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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA**

SAMI JO GRANT,

Plaintiff,

v.

BILLINGS CLINIC; and JOHN
DOES 1-10,

Defendant.

Cause No. CV-21-120-BLG-SPW-KLD

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

COMES NOW, the Plaintiff, Sami Jo Grant, by and through her Counsel of

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record, Douglas Day of Driggs, Bills & Day, P.C. and for her Complaint against the Defendant, states and alleges as follows:

IDENTIFICATION OF THE PARTIES

1) Plaintiff is a resident of Weber County, State of Utah.

2) Defendant, Billings Clinic (“BC”), is a corporation that was formed in Montana. BC’s principal place of business is in Billings, Montana. BC operates numerous health care facilities throughout Montana.

3) John Does 1-10 are presently unknown individuals or entities.

JURISDICTION & VENUE

4) This Court has jurisdiction over the subject matters and the parties to this action. The amount in controversy exceeds \$12,000. Venue properly lies in the Montana Thirteenth Judicial District, Yellowstone County, in that BC resides there.

FACTS

5) On or about February 17, 2021, Plaintiff was seen at BC’s North Big Horn Hospital, in Lovell, Wyoming.

6) As she was leaving the hospital, she slipped on ice and fell.

7) Plaintiff sustained serious injuries as a result of the incident that have required hospitalization and surgery, among other treatment.

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COUNT ONE – NEGLIGENCE AND PREMISES LIABILITY

8) Plaintiff re-alleges the allegations set forth in Paragraphs 1 through 7 as though fully set forth herein.

9) Defendants owed a duty to Plaintiff to warn her of the dangerous condition, to maintain its property in a manner safe for invited guests, to inspect its property for dangerous conditions, to use reasonable care in operating the property, and to repair, replace, fix, or otherwise remedy the dangerous condition on the property.

10) Defendants breached these duties owed to Plaintiff, and Defendants' negligent acts and omissions include, but are not limited to:

- a. Failing to warn Plaintiff of the dangerous condition caused by its failure to maintain the property in a manner safe for invited guests;
- b. Failure to inspect the property for dangerous conditions;
- c. Failure to repair, replace, fix, or otherwise remedy a dangerous condition on the property; and
- d. Such other acts and omissions yet to be discovered.

11) Defendants' breach of duties directly and proximately caused Plaintiff to sustain significant bodily injuries.

12) Defendants' conduct as alleged above constitutes negligence.

13) Defendants acted through its agents, employees, representatives and contractors while in the course and scope of their employment. Defendants are vicariously liable for their negligence under the doctrines of respondeat superior and non-delegable duty.

14) As a direct and proximate result of Defendants' negligence, Plaintiff has sustained physical injuries for the treatment of which she has incurred, and will continue to incur, medical expenses.

15) As a direct and proximate result of Defendants' negligence, Plaintiff has endured and will continue to endure, work limitations.

16) As a direct and proximate result of Defendants' negligence, Plaintiff has incurred out-of-pocket expenses and will continue to incur such expenses in the future.

17) Defendants' breach of duties directly and proximately caused Plaintiff to suffer past, present, and future pain; loss of enjoyment of life; temporary and permanent disability; emotional distress; embarrassment and humiliation; loss of independence; and increased risk of accidents and future health problems.

18) As a direct and proximate result of Defendants' negligence, Plaintiff has endured and will continue to endure physical and mental pain and suffering.

19) As a direct and proximate result of Defendants' negligence, Plaintiff suffered, and will continue to suffer, a significant loss of household services.

20) As a direct and proximate result of Defendants' negligence, Plaintiff was precluded from participating in her normal pattern of life activities and will continue to be precluded from doing so in the future.

21) As a direct and proximate result of Defendants' negligence, Plaintiff has experienced and will experience disfigurement.

WHEREFORE, having fully set forth Plaintiff's claims against the Defendants, Plaintiff requests Judgment for damages resulting from Defendants' negligence, and/or wrongful conduct, in an amount to be determined at the time of trial:

- 1) For damages in an amount to be determined at the time of trial to compensate Plaintiff for all her past, present, and future medical expenses resulting from Defendants' negligence;
- 2) For damages in an amount to be determined at the time of trial to compensate Plaintiff for all her past, present, and future physical and mental pain and suffering, and other non-economic damages, resulting from Defendants' negligence;

- 3) For damages in an amount to be determined at the time of trial to compensate Plaintiff for her inability to participate in normal life activities resulting from Defendants' negligence;
- 4) For damages in an amount to be determined at the time of trial to compensate Plaintiff for all her out-of-pocket expenses incurred as a result of Defendants' negligence;
- 5) For damages in an amount to be determined at the time of trial to compensate Plaintiff for her lost earning capacity;
- 6) For a reasonable sum of money to compensate Plaintiff for her attorney's fees and costs, as may be allowed by law;
- 7) For prejudgment interest as permitted by law; and
- 8) For such other and further relief as the Court may deem just and proper.

DATED this 4th day of November, 2021.

DRIGGS, BILLS & DAY, P.C.
Attorneys for Plaintiff

By: 
Douglas Day

DEMAND FOR JURY TRIAL

Plaintiff hereby requests a jury trial for all issues so triable.

DATED this 4th day of November, 2021.

DRIGGS, BILLS & DAY, P.C.
Attorneys for Plaintiff

By: 
Douglas Day